

Complete Policy Title:

**Policy on Access
to Personal Health Information**

Approved by:

President

Policy Number (if applicable):

Date of Most Recent Approval:

Date of Original Approval(s):

June 16, 2015

Supersedes/Amends Policy dated:

Responsible Executive:

University Privacy Officer

Enquiries:

[University Secretariat](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

Policy

A client/patient has a right of access to a record of personal health information about themselves that is in the custody or under the control of McMaster University.

The right of access does not extend to the following types of health records:

- The record or its contents are subject to a legal privilege;
- Another Act or court order prevents the access;
- The information was collected or created in anticipation of a proceeding;
- The information was collected or created in the course of an inspection, investigation or authorised by law;
- Granting access would result in a risk of serious harm to the treatment or recovery of the individual or another person.

Role of Substitute Decision-Maker

A substitute decision-maker may request access on a client's/patient's behalf as the right of access exists whether or not a client/patient has capacity. Substitute decision-makers will follow the same process to obtain access to the personal health records as the client/patient.

Request for Access

Requests for access are to be directed to the client/patient care team. Clients/patients may request access to their personal health records orally or in writing. The client's/patient's identity or the substitute decision-maker's authority needs to be verified prior to granting the access.

Providing Access

Clients/patients are provided access by way of viewing the original record or by obtaining a copy of their record.

If access is provided by way of viewing the original records, such access should be provided in the presence of a representative of McMaster University.

Timeframe to Respond

The health information custodian has thirty (30) days from the date of the request to respond to the request for access. If additional time is required, the client/patient must be provided with a written notice of an extension. The extension request should identify when a response might be expected and why an extension is needed.

An extension is only permitted if:

- Replying to the request within thirty (30) days would unreasonably interfere with activities since the search in locating the personal health records is complex; or
- The time required to undertake the necessary consultations would make it impractical to reply within thirty (30) days.

If there is no response to a request for access within a sixty (60) day time period, the request for access is deemed to have been refused.

Urgent Request

Where a client/patient satisfies the University that he or she needs the record on an "urgent basis" within a period of less than thirty (30) days, the University is obliged to make every reasonable effort to comply with this request.

Fees for Providing Access

A fee for providing access may be charged to the client/patient if an estimate of the fee is provided.

The fee cannot exceed a prescribed amount, or if no amount is prescribed, the amount of the fee cannot exceed the amount of a reasonable cost recovery (see Guideline on Fees).

A fee may be waived in total or in part, if it is deemed appropriate to do so.

Refusing a Request for Access

Should the request for access be refused, reasons for such refusal must be provided to the client/patient.

Filing a Complaint

The client/patient can complain to the McMaster University Privacy Officer or to the Information Privacy Commission/Ontario about a refusal of a request for access.

Related Documents:

Policy for Handling of Personal Health Information
Policy on Correction of Personal Health Information
McMaster Lock-box Protocol
Guideline for Verifying Identity
Guideline on Fees
McMaster Statement of Information Practices